

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA**

MINNESOTA LIFE INSURANCE COMPANY,)	
)	
)	
Plaintiff,)	
)	8:09CV22
vs.)	
)	
NINA G. ATKINSON, MENDEL B. MILLER, MINDY R. HANSEN, MERRIS B. MILLER and MARCY R. WOITA,)	ORDER
)	
)	
)	
Defendants.)	

This matter is before the court *sua sponte*, pursuant to [NECivR](#) 41.1, which states in pertinent part: “The court may at any time dismiss an action for lack of prosecution when it appears it is not being prosecuted with reasonable diligence.” The record reveals the complaint was filed on January 13, 2009, and service of the summons was executed on the defendant Nina G. Atkinson on January 15, 2009. **See** [Filing No. 1](#) - Complaint; [Filing No. 7](#) - Summons Returned. The remaining defendants have also been served and have filed answers, counterclaims and crossclaims. No other action has taken place in this matter. It remains the plaintiff’s duty to go forward in prosecuting the case by, for example, filing a motion for the Clerk’s entry of default pursuant to [Fed. R. Civ. P. 55](#) and [NECivR](#) 55.1(a) as against the defendant who as not responded to the complaint and summons. Upon consideration,

IT IS ORDERED:

The plaintiff has until the close of business **on March 16, 2009**, to file a motion for Clerk’s entry of default or show cause why this case should not be dismissed as to the defendant Nina G. Atkinson for failure to prosecute.

DATED this 18th day of February, 2009.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge